

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF CITY OF SANTA CLARA, CALIFORNIA

These Comments are filed by City of Santa Clara in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City Of Santa Clara believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

City Of Santa Clara is a *city* with a population of 109,106. Our franchised cable provider is Comcast Cable Of California. Our community has negotiated cable franchises since 1971.

Competitive Cable Systems

Our community

- The City Of Santa Clara was approached by RCN in September 1999, which involved several meetings and formal discussions with our city attorney, but the provider chose not to enter into a final Franchise Agreement/Contract with the City Of Santa Clara due to financial issues.
- The City Of Santa Clara was recently approached by AT&T/SBC a Bell Operating Company regarding the rights to offer Cable services over their existing Telecommunications infrastructure through out the city. Their request is to offer cable services **without entering** into a Cable Franchise Agreement or Contract with the City Of Santa Clara similar to Comcast, our current cable provider. The City Of Santa Clara Maintains the position that AT&T /SBC must have an Agreement similar to Comcast, our current/incumbent Cable provider.
- The City Of Santa Clara has not denied any provider the opportunity to serve in our community.

- The City Of Santa Clara does hold the position that we would offer an equal opportunity for a comparable Competitive Cable Provider to enter into a Cable Franchise Agreement with the city that offers universal cable services through out the city.

Conclusions

The local cable franchising process functions well in the City Of Santa Clara. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City Of Santa Clara therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Santa Clara

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